

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

DEC 02 2014

JAMES N. HATTEN, CLERK
By: *McAllister* Deputy Clerk

IN RE: Retroactive Application
of U.S.S.G. Amendment 782

ADMINISTRATIVE ORDER

UPON CONSIDERATION of a joint proposal submitted by the United States Attorney's Office, The Federal Defender Program, Inc., and the United States Probation Office for the Northern District of Georgia;

UPON REVIEW of the United States Sentencing Commission and the Federal Bureau of Prison's list of defendants deemed eligible for retroactive resentencing under Amendment 782 to the United States Sentencing Guidelines, effective November 1, 2014;¹

RECOGNIZING that no defendant may be released under Amendment 782 until November 1, 2015, and further recognizing that this one-year delay was promulgated by the United States Sentencing Commission to allow judges, the Bureau of Prisons, and the United States Probation Office time to adequately review defendants' cases and, for those defendants eligible for release, ensure that each prisoner receives appropriate transitional services — including placement in halfway houses

¹ This list is attached hereto as Attachment A.

– to help increase the chances of successful reentry into society;

RECOGNIZING that Attachment A lists 389 prisoners eligible for resentencing, with 110 of them having release dates in November and December of 2015;

FURTHER RECOGNIZING that these 110 defendants' cases should be analyzed first to provide the Bureau of Prisons and the United States Probation Office sufficient time to adequately transition these defendants into society;

IT IS HEREBY ORDERED pursuant to the provisions of the Criminal Justice Act, 18 U.S.C. §§ 3006A(a)(1) and (c), and in accordance with the retroactive application of Amendment 782, the Federal Defender Program is appointed to represent each defendant whose name appears on Attachment A as being eligible for retroactive resentencing, and anyone who files a *pro se* motion for relief seeking a sentence reduction under Amendment 782. The Federal Defender shall ascertain the defendants' eligibility for relief and whether conflicts of interest preclude it from representation. The Federal Defender shall notify the Court upon identifying a prohibitive conflict in which the prospective client's interests are materially adverse to those of a current or former client, and the Court

will consider appointing a member of the Criminal Justice Act panel of this district. The Federal Defender will also send a letter to each defendant listed on Attachment A and each defendant filing a *pro se* motion for relief under Amendment 782, in which the Federal Defender will explain their appointment and further explain that the defendant may opt-out of such representation;

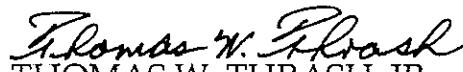
IT IS HEREBY ORDERED that the United States Attorney's Office and the Federal Defender Program, prioritize the filing of pleadings on those 110 defendants eligible for release in November and December of 2015, and thereafter prioritize pleadings on the remaining 279 defendants eligible for release in order of release date;

IT IS ALSO ORDERED that the United States Probation Office provide both the United States Attorney's Office and the Federal Defender Program with a copy of the defendant's PSR and calculations showing the defendant's initial sentencing guidelines calculations and the amended guidelines calculations so that both parties have the information needed to file their pleadings; and

IT IS FURTHER HEREBY ORDERED that all *pro se* motions already filed by, and those that will be filed in the future by, defendants not listed

on Attachment A and seeking relief under Amendment 782, be STAYED for a period of six months, or until May 24, 2015, after which those motions will be addressed.

So ORDERED this 2 day of December, 2014.


THOMAS W. THRASH, JR.
CHIEF JUDGE, UNITED STATES DISTRICT
COURT

Prepared and presented by:

Sally Quillian Yates, *United States Attorney*

Stephanie Kearns, *Executive Director, The Federal Defender Program, Inc.*

Thomas W. Bishop, *Chief United States Probation Officer*